IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 23085 of 2005(W)

PETITIONER:

C.M.ROY, SEVA SADANAM,
THUVAYOOR SOUTH P.O. PATHANAMTHITTA.

BY ADV. SRI.K.SUBASH CHANDRA BOSE

RESPONDENTS:
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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETY(AUDIT), PATHANAMTHITTA.

2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETY (GENERAL), PATHANAMTHITTA.

3. THE ASSISTANT REGISTRAR (GENERAL), CO-OPERATIVE SOCIETIES, ADOOR, PATHANAMTHITTA.

4. KADAMBANAD NORTH SERVICES CO-OPERATIVE SOCIETY LTD.NO. 55, KADAMBANAD P.O. PATHANAMTHITTA DISTRICT, REPRESENTED BY ITS PRESIDENT.

R4 BY ADV. SRI.T.R. HARIKUMAR
R1 TO R3 BY GOVERNMENT PLEADER SMT. R.BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE AWARD DATED 8.1.2001 PASSED BY THE LABOUR COURT KOLLAM IN I.D.NO. 6 OF 1992

EXT.P2 TRUE COPY OF THE JUDGMENT IN OP 2119 OF 2002 BEFORE THE HON'BLE HIGH COURT OF KERALA DATED 18.9.2003

EXT.P3 TRUE COPY OF THE JUDGMENT IN W.A.NO.2109 OF 2003 BEFORE THE HON'BLE HIGH COURT OF KERALA DATED 17.3.2004

EXT.P4 TRUE COPY OF THE NOTICE DATED 18.3.2004

EXT.P5 TRUE COPY OF THE CLAIM PETITION DATED 11.3.2005 FILED BY THE PETITIONER IN CP NO. 87 OF 2005 BEFORE THE LABOUR COURT, KOLLAM

EXT.P6 TRUE COPY OF THE REPRESENTATION DATED 11.3.2005 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P7 TRUE COPY OF THE COMPLAINT DATED 4.3.2005 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXT.P8 TRUE COPY OF THE NOTICE DATED 27.6.2005 FILED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXT.P9 TRUE COPY OF THE APPLICATION DATED 4.7.2005 FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

EXT.P10 TRUE COPY OF THE REPRESENTATION DATED 4.7.2005 FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

4TH RESPONDENT'S EXHIBITS:

EXT.R4(a) TRUE COPY OF ORDER NO. M.596/04 DATED 14.10.2004

EXT.R4(b) TRUE COPY OF THE WRITTEN OBJECTION FILED IN CP 87 OF 2005 OF THE LABOUR COURT DATED NO.V. 2005

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 23085 OF 2005

Dated this the 1st day of March, 2007

JUDGMENT

Petitioner was removed from service. Even though Labour Court ordered reinstatement after withholding two increments and with full backwages, this Court reduced the payment of backwages to 50%. However, petitioner was paid backwages without taking into account withholding of increments in terms of the award. This was sought to be recovered through Ext.P8 proceedings. Petitioner filed claim petition before the Labour court which would have by now settled the petitioner's claim after hearing respondents. What remains is promotion to the petitioner and other benefits due from society. It is for the petitioner to make claim before the society and the society will consider the same. Since petitioner has filed Ext.P6 society is directed to take decision on Ext.P6 after hearing the petitioner without any delay, and in any case within two months from the date of production of a copy of this judgment by the petitioner.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge